

Subject: Re: Ascertainment Document for OMB
Date: Thu, 29 Oct 2020 15:16:15 -0500
From: Kaitlyn Schneider - QMDGA <kaitlyn.schneider@gsa.gov>
To: Mary Gibert - AK <mary.gibert@gsa.gov>
Cc: Isadora Yoffie - M1Y <isadora.yoffie@gsa.gov>
Message-ID: <CACeMak8bvGA+0A7zgsOETPc0tm6k8Jv1K09hyRjwxgEe1y4nEA@mail.gmail.com>
MD5: a6bd4af0ac5e969cf150fe628f292f30
Attachments: DRAFT - 2020 Presidential Ascertainment Process for OMB.pdf

Mary,

Attached is the PDF version. The links should still work.

Best,
Kaitlyn

Kaitlyn Schneider
Presidential Transition Support Team

U.S. General Services Administration
W/ (b) (5)

On Thu, Oct 29, 2020 at 3:01 PM Mary Gibert - AK <mary.gibert@gsa.gov> wrote:

can we put in PDF and will the links still work -

(b) (5)

Thanks.

Mary



U.S. General Services Administration

Mary D. Gibert

Federal Transition Coordinator and

Associate Administrator

Office of Civil Rights (AK)

1800 F Street, NW, Room 2340

Washington, DC 20405

Office (b) (6) | Mobile (b) (6)

Federal Relay: 1-800-877-8339

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On Thu, Oct 29, 2020 at 11:24 AM Kaitlyn Schneider - QMDGA <kaitlyn.schneider@gsa.gov> wrote:

Good morning Mary,

(b) (5)

 [DRAFT 2020 Presidential Ascertainment Process...](#)

Best,
Kaitlyn

Kaitlyn Schneider

Presidential Transition Support Team

U.S. General Services Administration

w (b) (6)

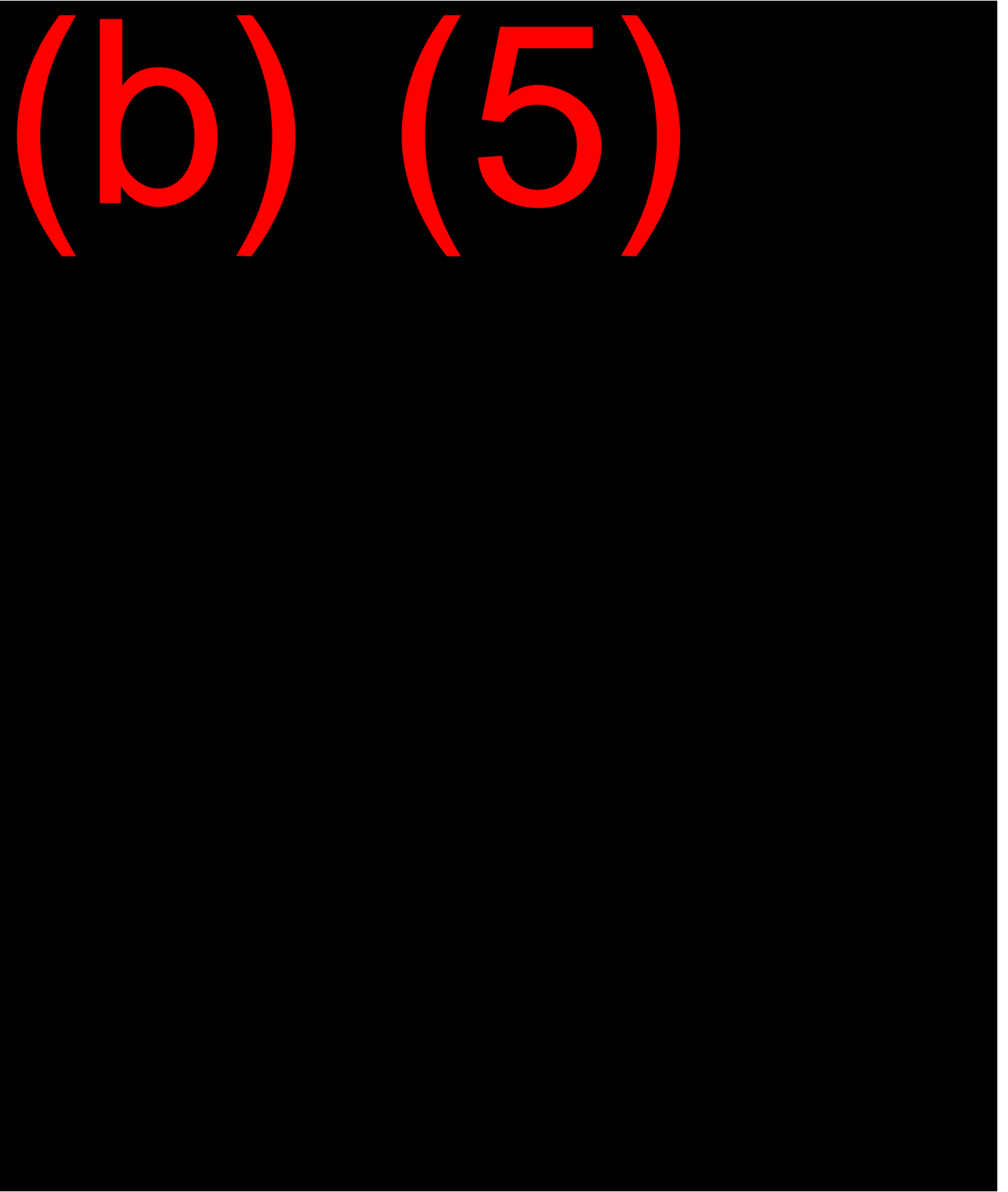


DRAFT/PRE-DECISIONAL

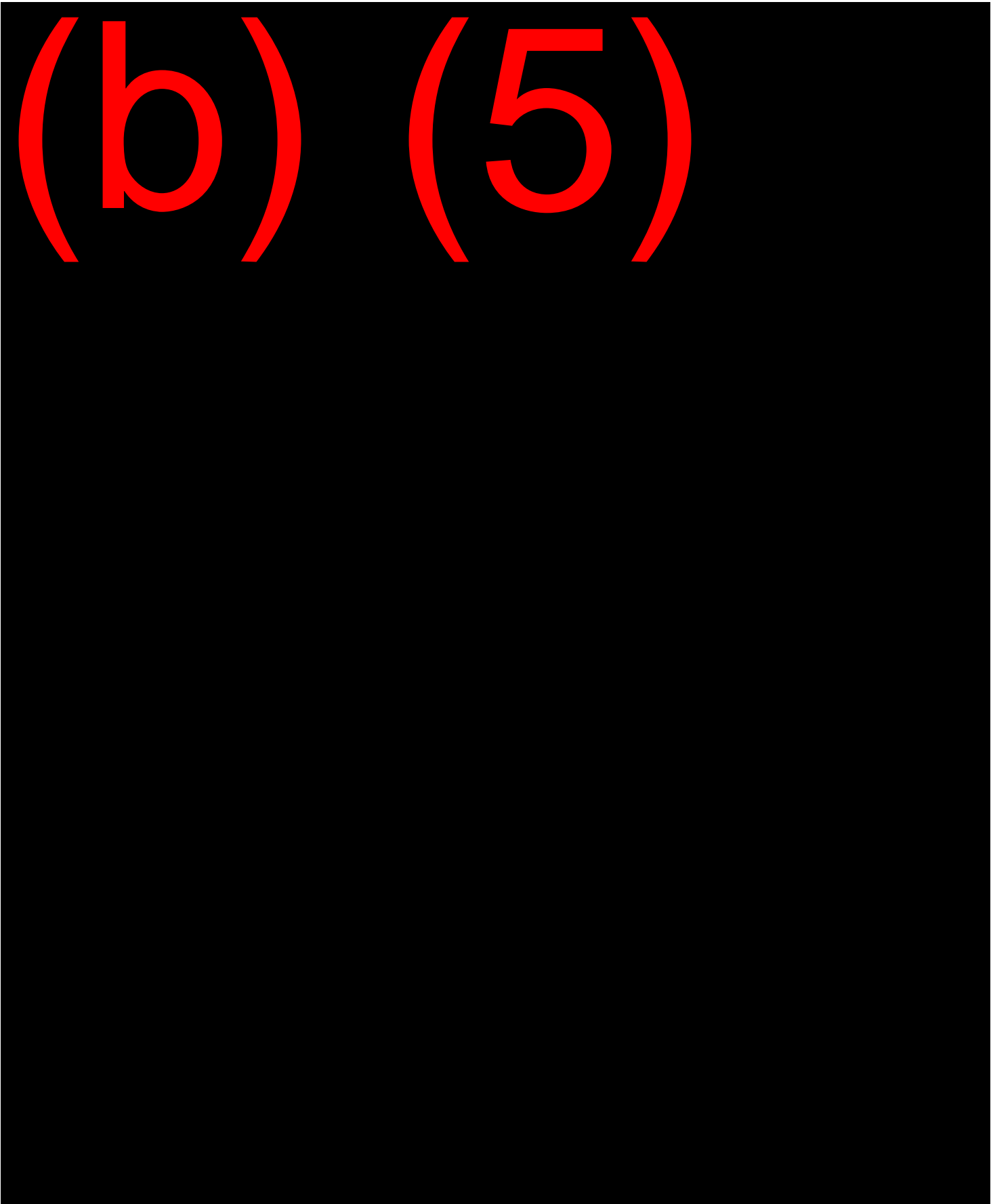
U.S. General Services Administration

(b) (5)

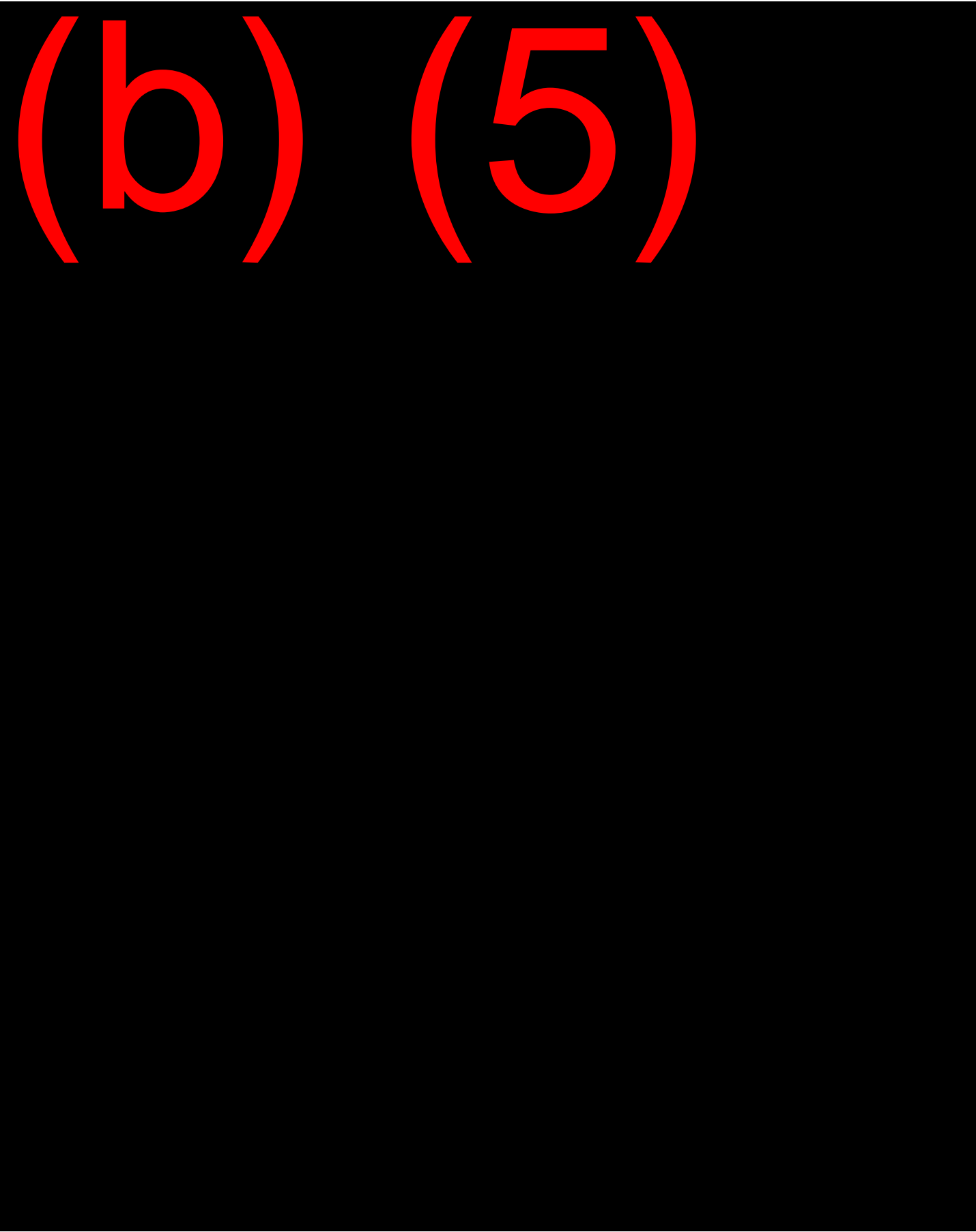
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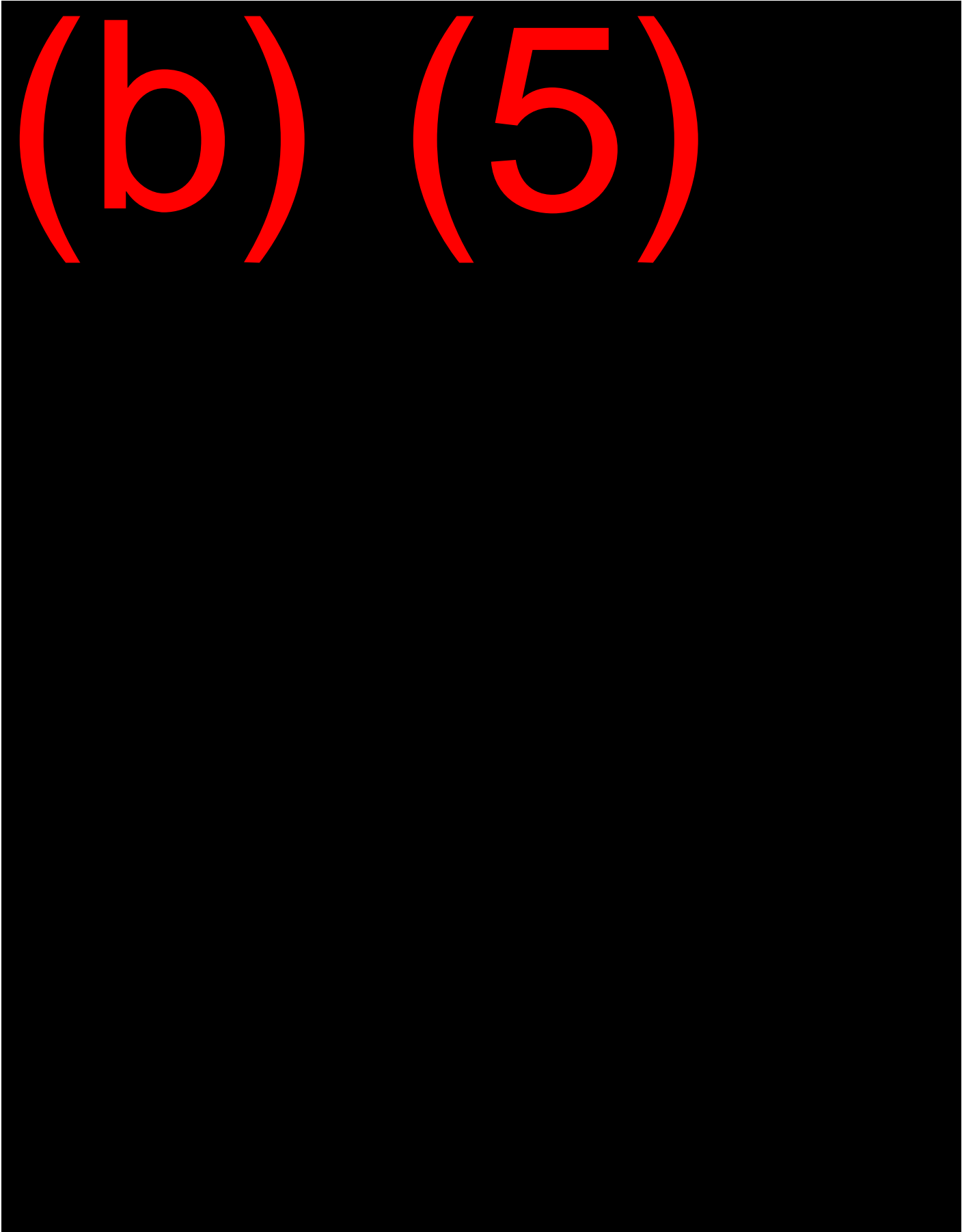
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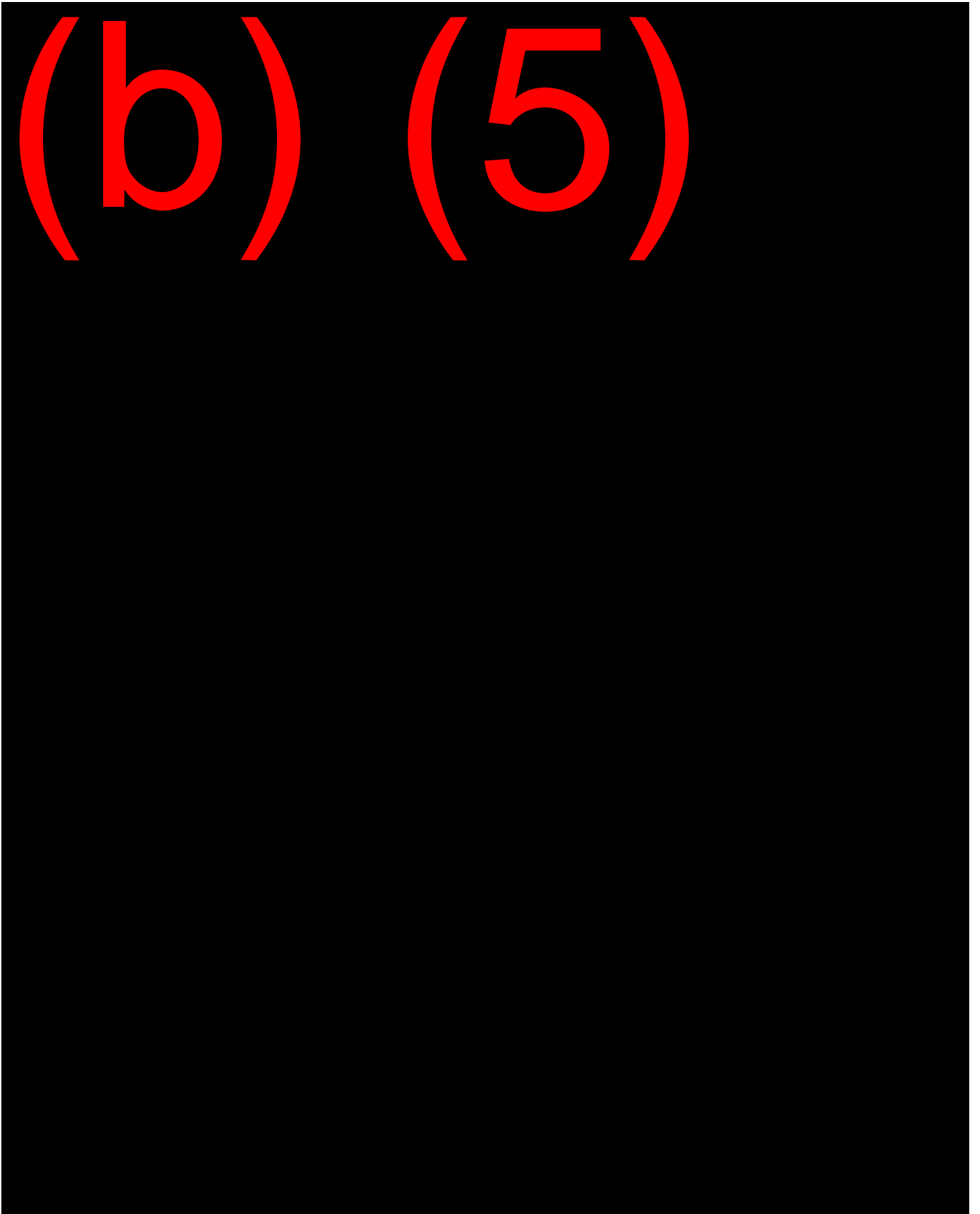
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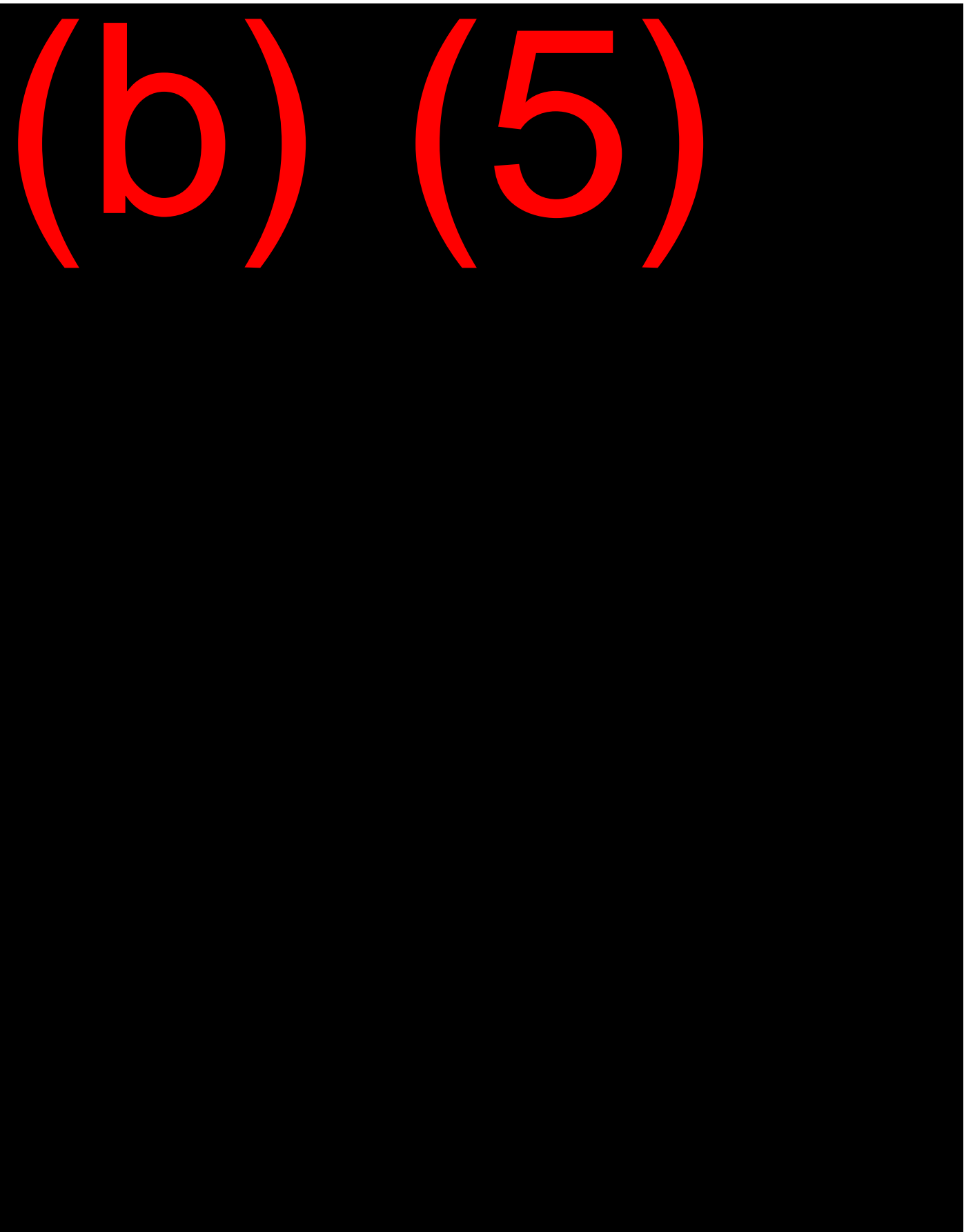
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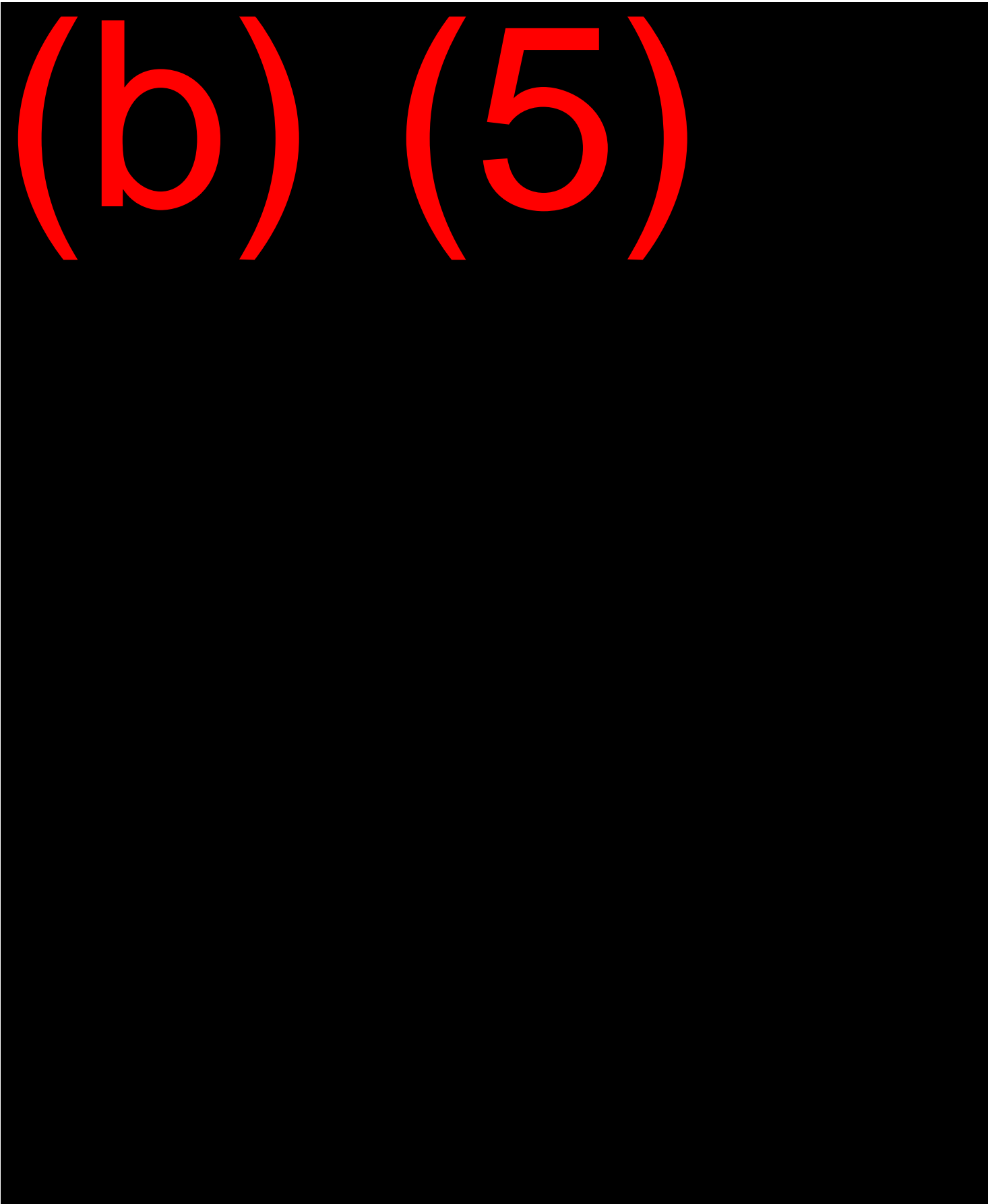
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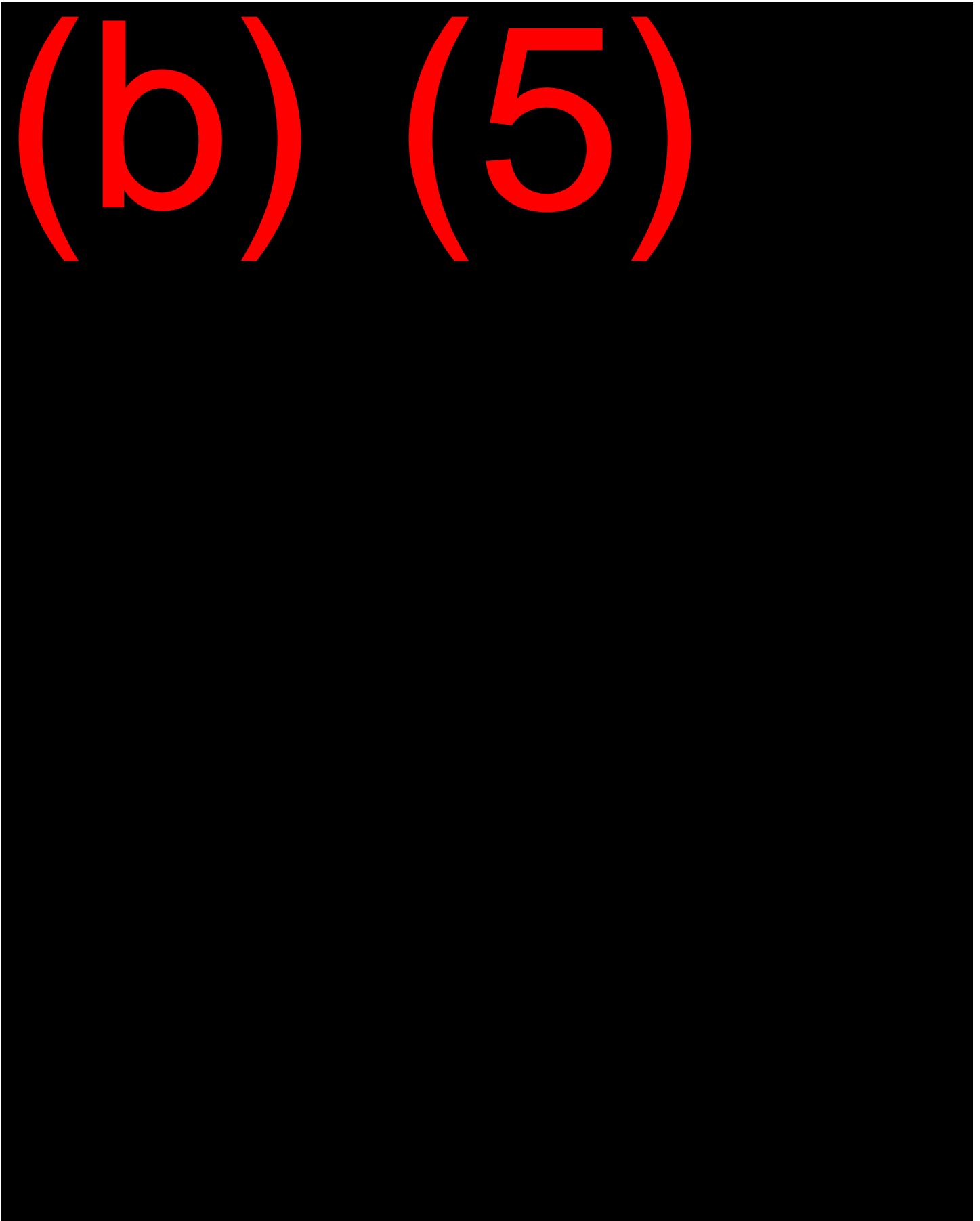
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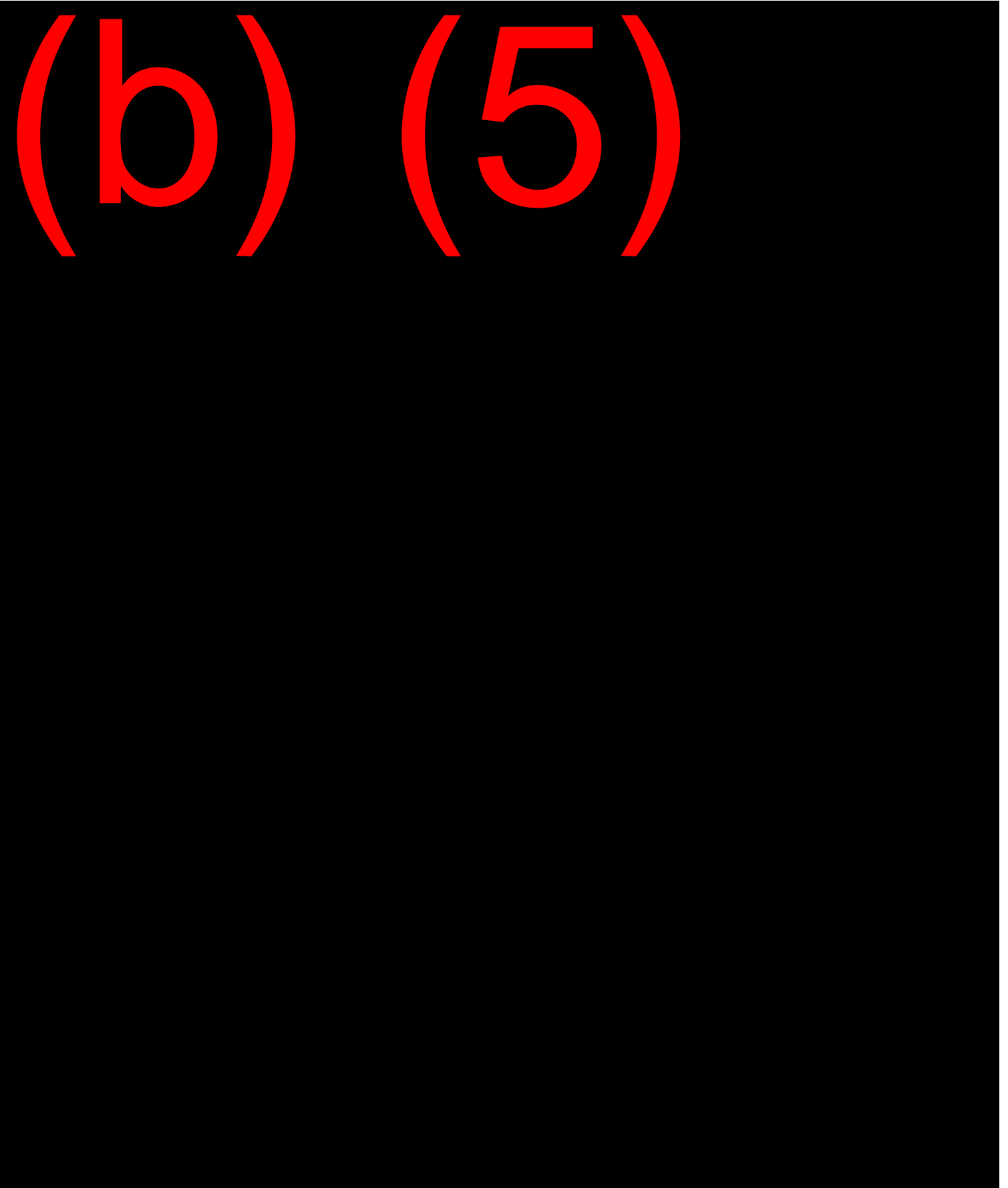
(b) (5)



(b) (5)



(b) (5)



Subject: Ascertainment Document Information
Date: Thu, 29 Oct 2020 17:57:00 -0400
From: Mary Gibert - AK <mary.gibert@gsa.gov>
To: "Liddell, Christopher P. EOP/WHO" <(b) (6)>, Nicole Ludwig - LD2 <nicole.ludwig@gsa.gov>
Cc: Mary Gibert - AK <mary.gibert@gsa.gov>, "Warren, Peter N. EOP/OMB" <(b) (6)>
Message-ID: <CAOH3n2uVqAuEnSak6hF9LVP2qfSqfa=b+cXJ5SQqRP4pHE_zcg@mail.gmail.com>
MD5: ae2540804d98da65cf2d688f227584ab
Attachments: DRAFT - 2020 Presidential Ascertainment Process for OMB.pdf

Chris and Nick:

Attached is information regarding (b) (5)

Let me know if you have any questions.

Mary



U.S. General Services Administration

Mary D. Gibert

Federal Transition Coordinator and

Associate Administrator

Office of Civil Rights (AK)

Washington, DC 20405

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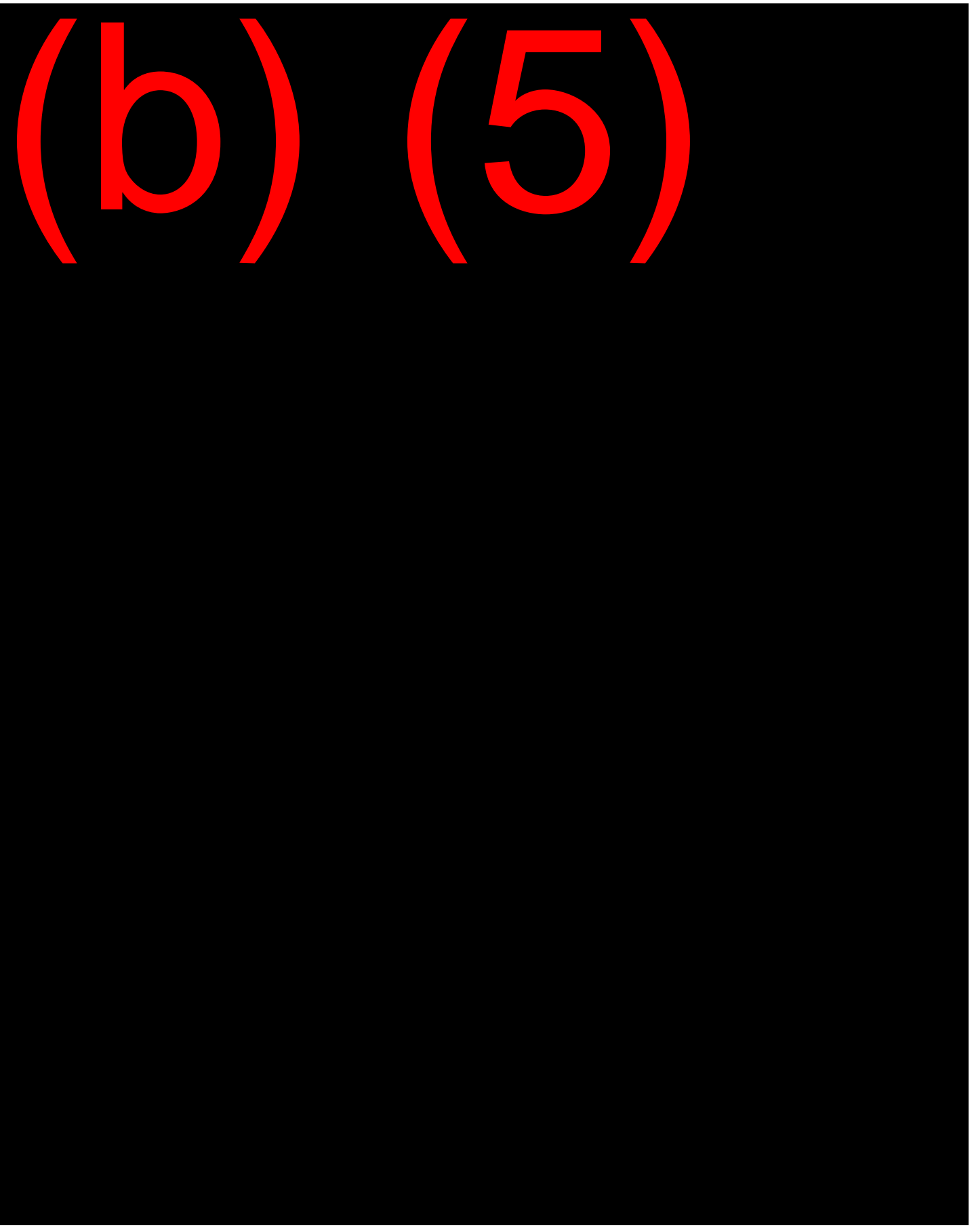


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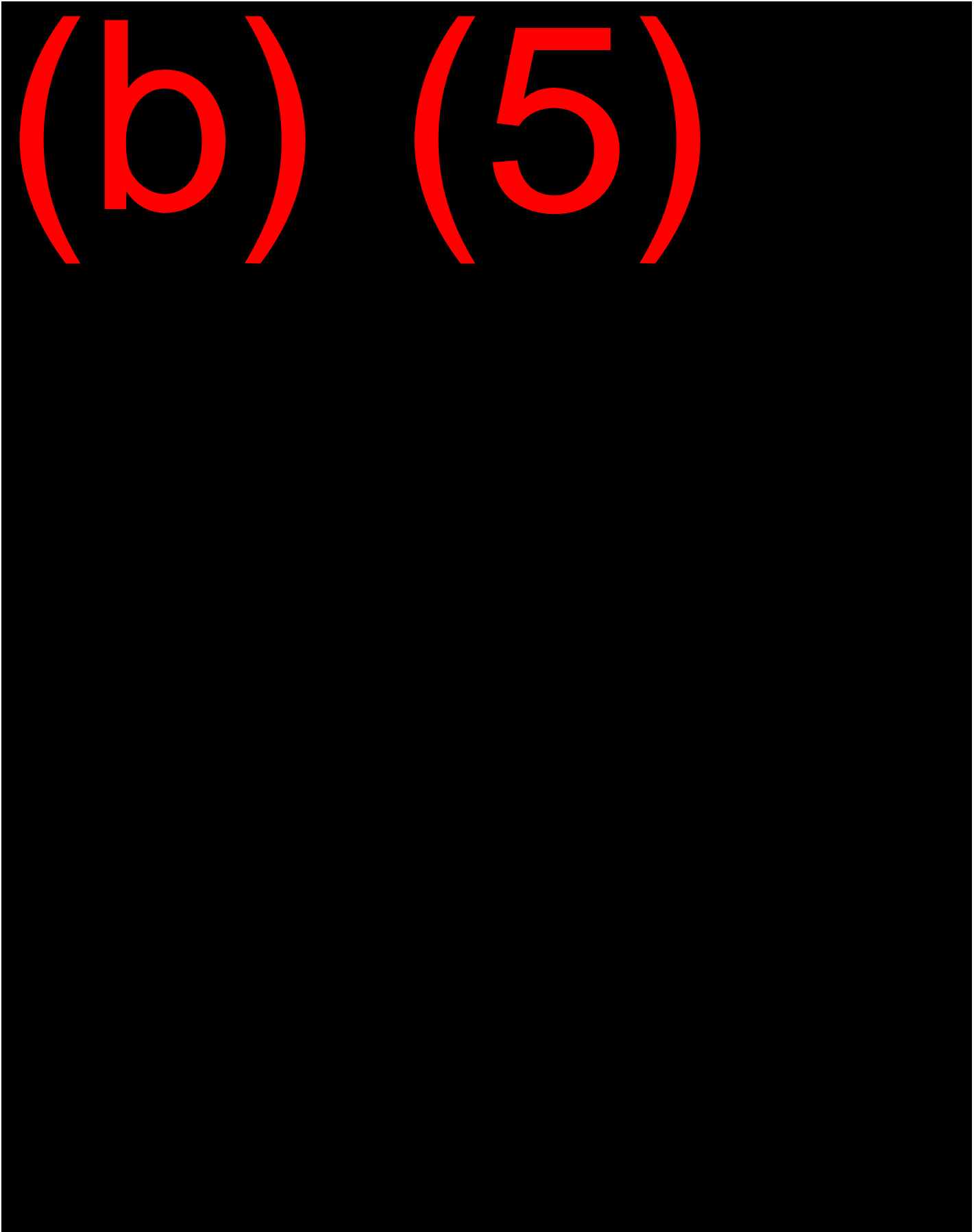
U.S. General Services Administration

(b) (5)

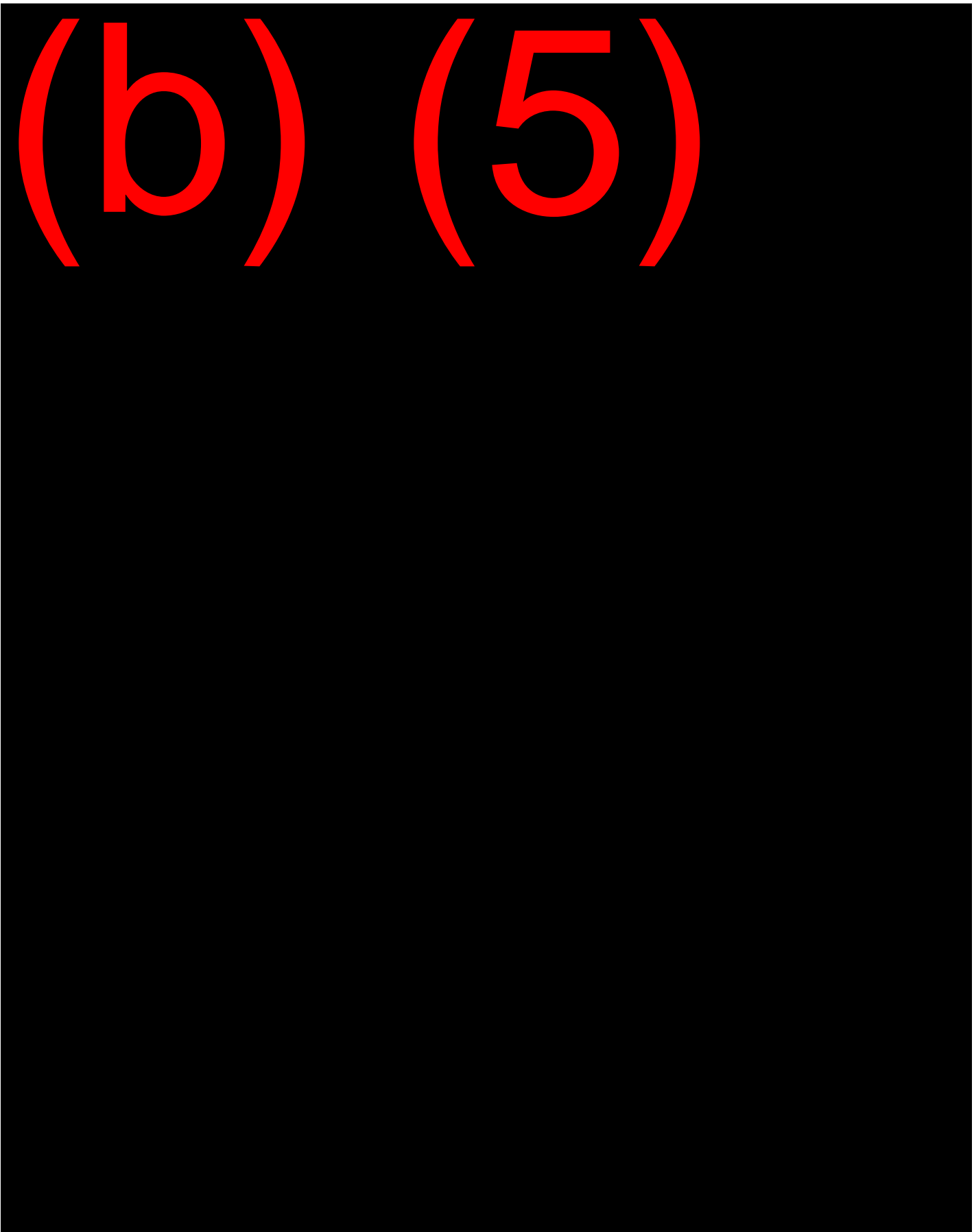
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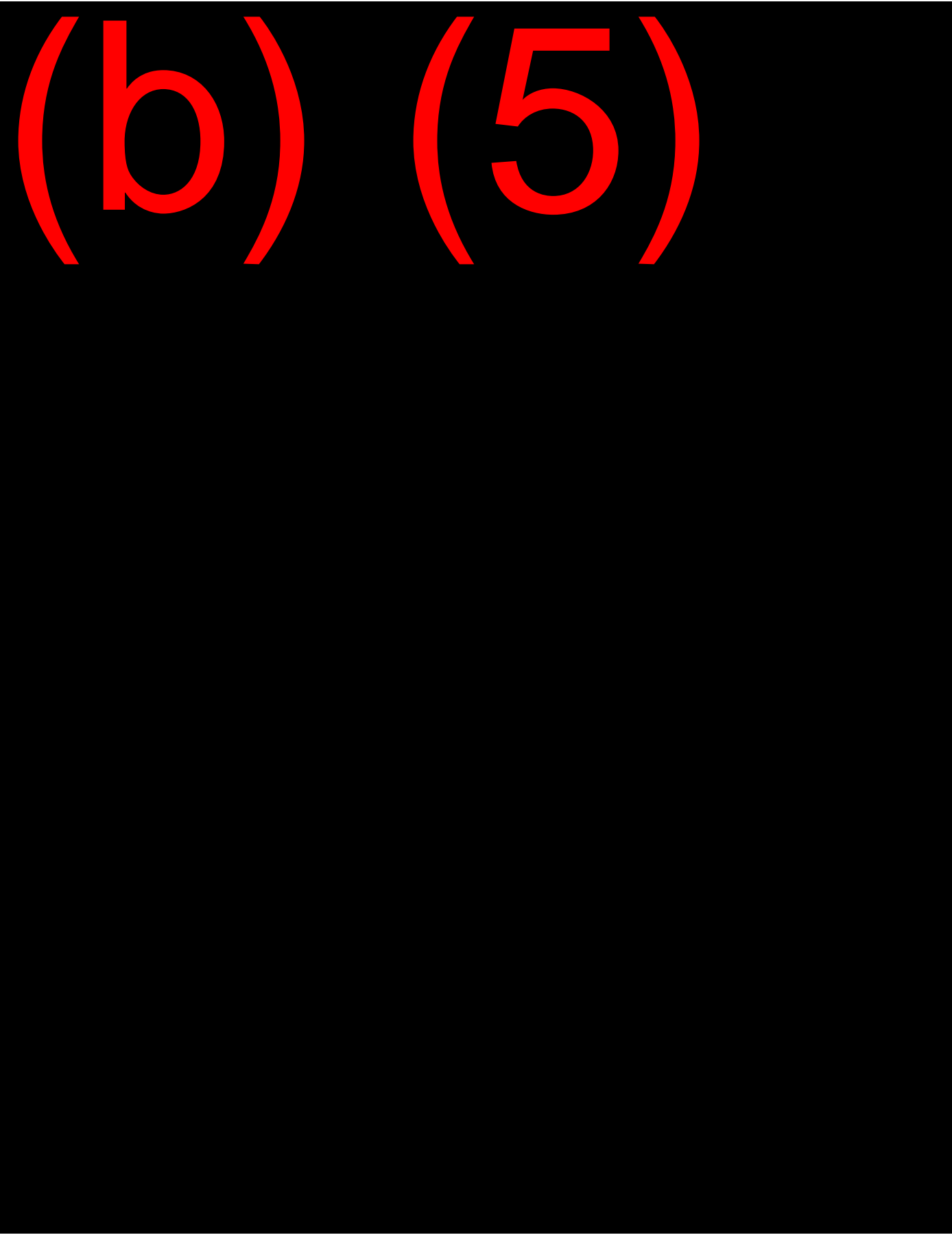
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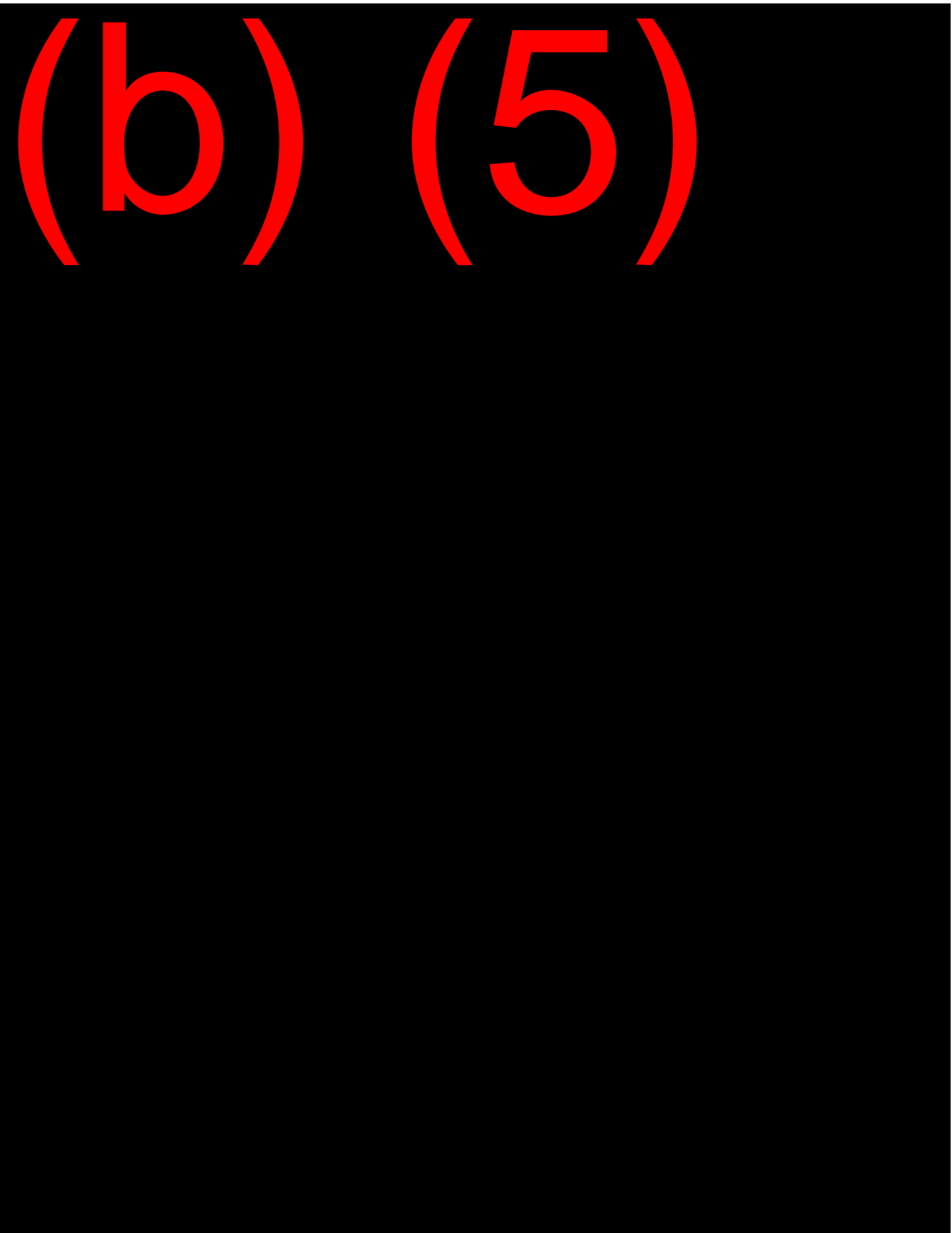
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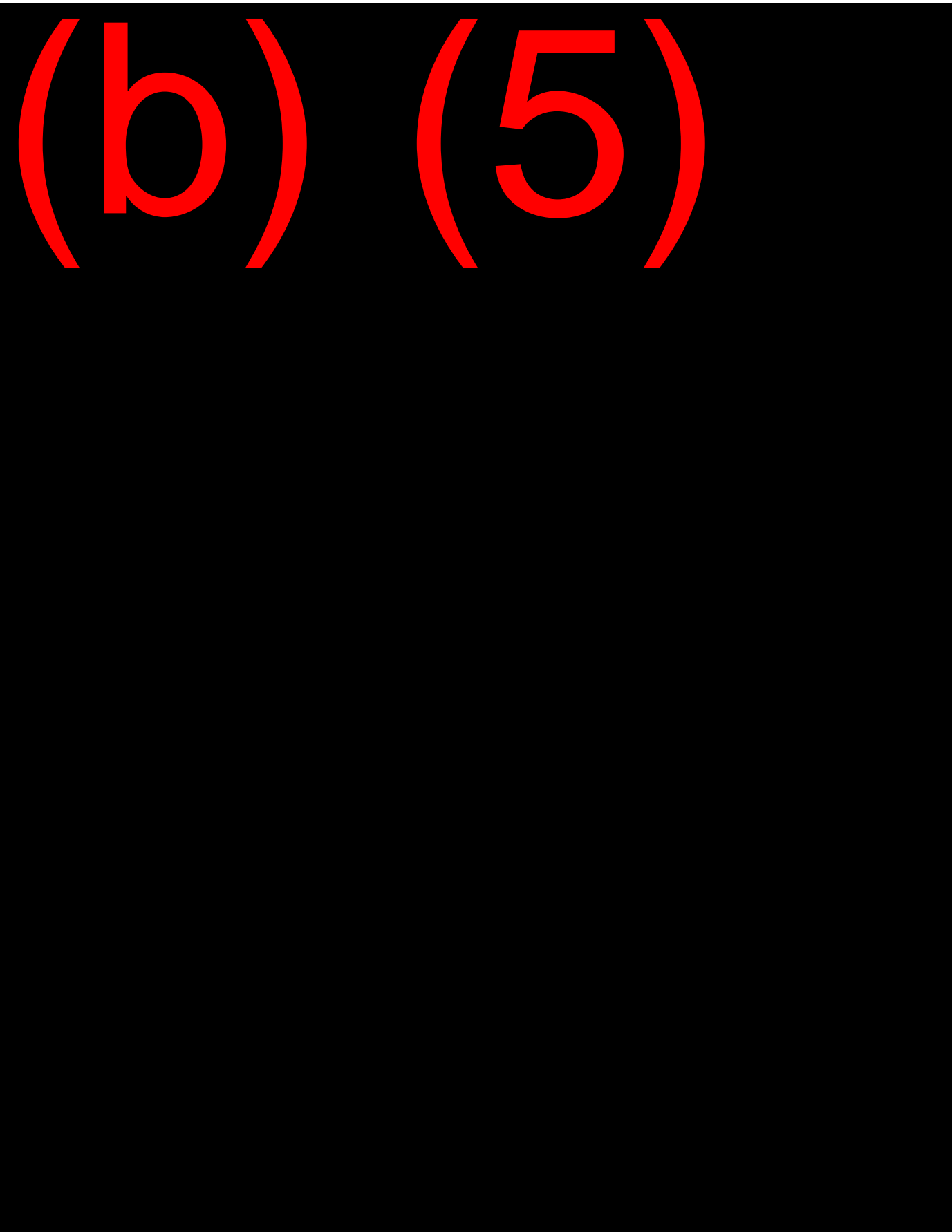
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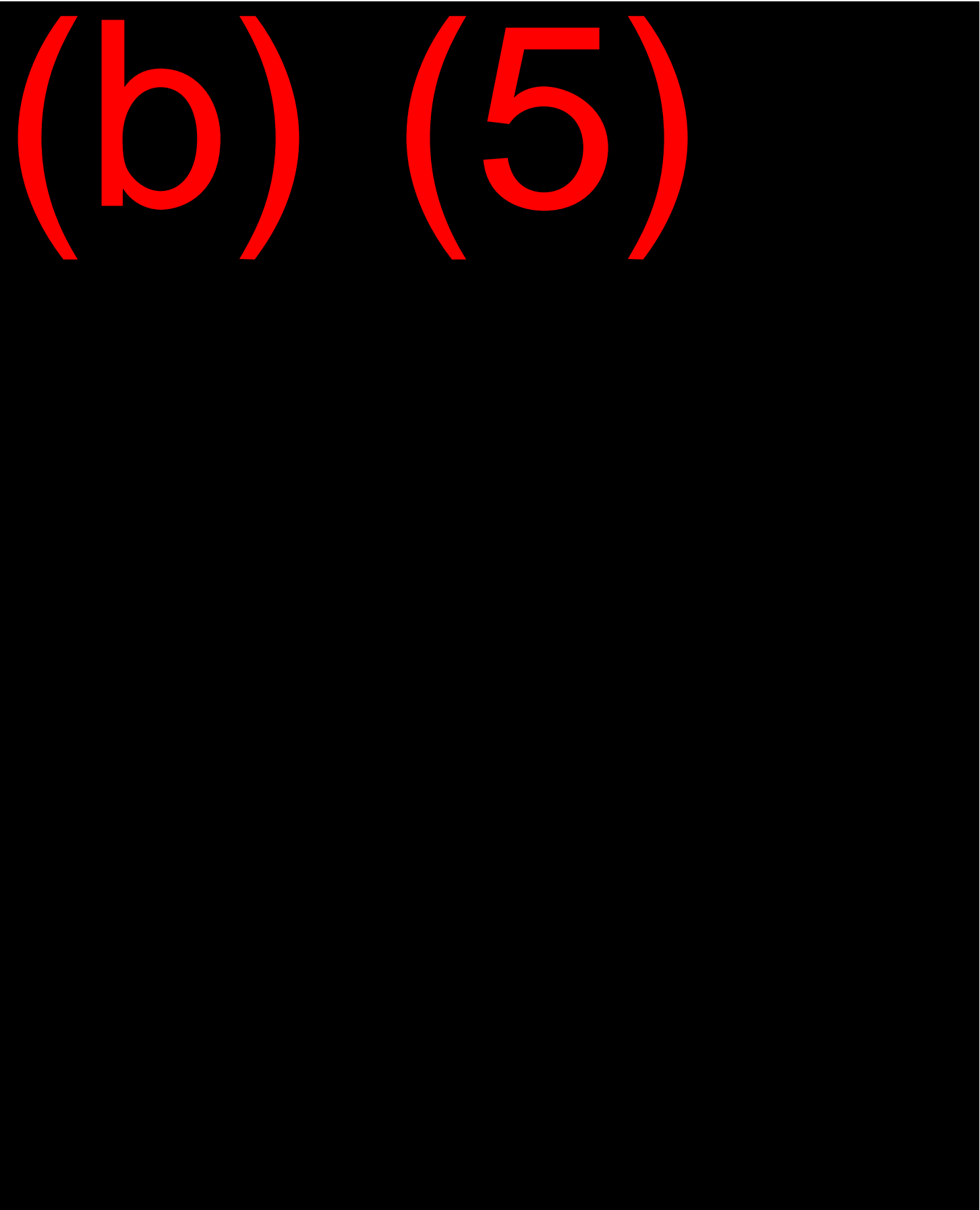
(b) (5)



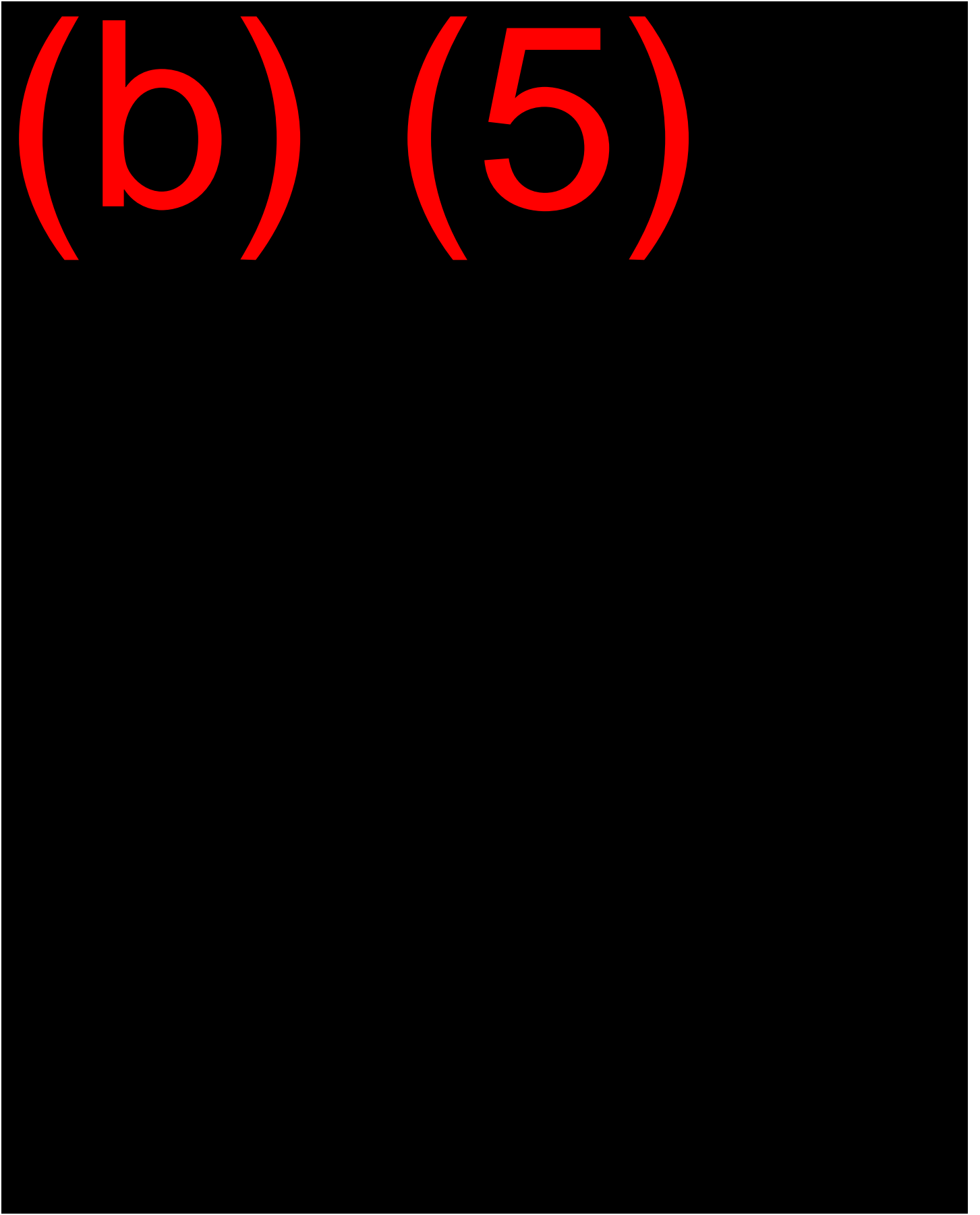
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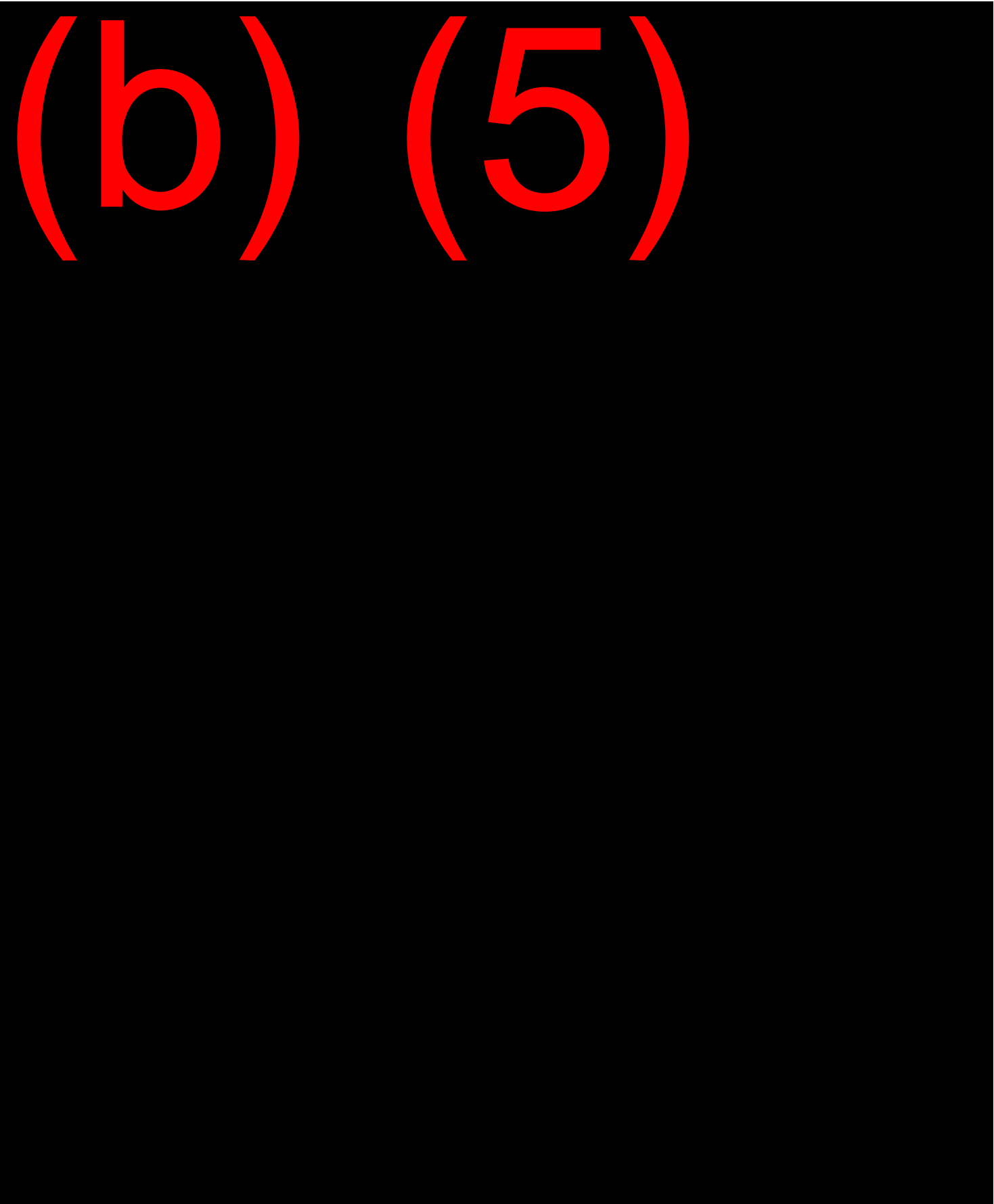
(b) (5)



(b) (5)



(b) (5)



Subject: Ascertainment Information
Date: Fri, 30 Oct 2020 11:25:11 -0400
From: Mary Gibert - AK <mary.gibert@gsa.gov>
To: (b) (6) @jbrpt.org>
Cc: Mary Gibert - AK <mary.gibert@gsa.gov>
Message-ID: <CAOH3n2u72a496pOfunuKjY44nUS9J6V-tzku+ZzhrXE5pa+q2w@mail.gmail.com>
MD5: 6485519351e1a1cb79d2ec0d40df36be
Attachments: DRAFT - 2020 Presidential Ascertainment Process for OMB.pdf

Information we have have put together - on process and history

please keep close hold.

Mary



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Mary D. Gibert

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U.S. General Services Administration

2020 Presidential Ascertainment Process

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Relevant language in the PTA of 1963, as amended:	9

2020 Election Timeline and 2000 Election Comparison

2020 Presidential Election		2000 Presidential Election
Not Contested	Contested	
September 1, 2020 GSA transition space and pre-elect services offered to the Biden Transition Team.	September 1, 2020: GSA transition space and pre-elect services offered to the Biden Transition Team.	Prior to November 7, 2000: No pre-elect services and no incumbent President *Biggest scope difference between 2000 and 2020 is that pre-election services were not a part of the statute until the Pre-Election Presidential Transition Act of 2010. Subsequently, when pre-election services were added, language was also included to state that pre-elect services will continue until the Administrator determines the apparent successful candidate.
September 3, 2020: GSA MOU signed offering transition space and pre-elect services.	September 3, 2020: GSA MOU signed offering transition space and pre-elect services.	
November 3, 2020: Election Day	November 3, 2020: Election Day	November 7, 2000: Election Night, there is back and forth about who has won and the result is too close to call. GSA Administrator David Barram does not ascertain the apparent winner given uncertainty of outcome.
<i>From Election Day onward, per the PTA of 1963, as amended, the GSA Administrator will ascertain the apparent winner of the Presidential election when the apparent winner is clear. Press release is issued upon ascertainment.</i>		
		November 9, 2000: Gore requests hand count of

		ballots in four Florida counties.
		November 11, 2000: Bush's legal team sues in federal court to stop manual recounts.
		November 13, 2000: WH Chief of Staff John Podesta issues a memorandum to executive branch agencies stating that , "because of the uncertainty over election results, no President-elect has been identified to receive federal funds and assistance under the Presidential Transition Act of 1963." The memo advised executive branch officials to provide any assistance that was "typically" provided to presidential candidates.
		November 14, 2000: Florida Secretary of State Katherine Harris sets the deadline for November 15th at 2PM, for counties seeking a manual recount to submit written justification.
		November 16, 2000: Gore files Emergency motion to prevent Secretary Harris from certifying the results until the counts are finished.
		November 21, 2000: Florida Supreme Court rules election officials must include hand recounts.
		November 22, 2000:

		Bush files a certiorari petition with the U.S. Supreme Court to override the Florida Supreme Court in allowing hand counts.
		November 24, 2000:
		U.S. Supreme Court agrees to hear Bush's appeal, but not grant certiorari before judgement.
		November 26, 2000:
		Certification of the Florida popular vote in favor of George W. Bush (by 537 votes).
		November 27, 2000:
		<p>David J. Barram announced that he would not authorize the release of federal transition funds since the final outcome remained “unclear and un-apparent,” due to ongoing legal challenges to the Florida certification.</p> <p>Chief GSA spokeswoman Beth W. Newburger said in a statement: “As long as both sides continue with their stated plans to seek legal remedies with respect to this election, the outcome remains unclear. Therefore, we cannot authorize nonfederal employees, such as the Presidential transition team would be, to spend federal funds on transition activities.”</p> <p>A 2008 CRS Report for Congress regarding Presidential Transitions says the following: Since the PTA provides no explicit criteria</p>

		<p>for determining the ‘apparent successful candidates,’ the GSA administrator based his decision on the 1963 legislative history, which stated that, ‘in a close contest, the Administrator simply would not make the decision’.”</p> <p>Administrator David Barram is noted in the GCN article as previously stating in October 2000 that he would sign over the funds “when the election results are clear and the apparent losing candidate concedes.”</p> <p>Gore files a complaint in Leon County Court (Florida) to contest election.</p>
		<p>November 29, 2000:</p> <p>Gore asks for immediate recount of 14,000 disputed ballots.</p>
		<p>November 30, 2000:</p> <p>Florida legislature votes to recommend a special session that could select its own presidential electors.</p> <p>Democrats challenge the right of the Florida legislature to choose their own presidential electors in the U.S. Supreme Court.</p>
		<p>December 1, 2000:</p> <p>District court in Texas holds that Dick Cheney is an inhabitant of Wyoming and rejects voters’ challenge that Texas electors can not vote for both Bush and Cheney due to alleged Texas</p>

		residency.
		December 4, 2000: GSA Administrator David Barram testifies before the House Government Reform Subcommittee on Government Management, Information, and Technology. (C-SPAN)
		December 8, 2000: Florida Supreme Court overturns lower court decision to reject Gore's request for a recount of the undervote. They order recount to begin immediately. (Gore v. Harris)
		December 9, 2000: The U.S. Supreme Court stays the Florida recount.
December 8, 2020: States are required to make final decisions in any controversies over the appointment of their electors. This is so their electoral votes will be presumed valid when presented to Congress. Decisions by states' courts are conclusive, if decided under laws enacted before Election Day.	December 8, 2020: States are required to make final decisions in any controversies over the appointment of their electors. This is so their electoral votes will be presumed valid when presented to Congress. Decisions by states' courts are conclusive, if decided under laws enacted before Election Day.	December 12, 2000: States are required to make final decisions in any controversies over the appointment of their electors. U.S. Supreme Court reverses Florida Supreme Court ruling in Gore v. Harris and the recounts end.
		December 13, 2000: Gore concedes, declined to pursue further litigation. GSA Administrator authorizes President-Elect Bush's use of federal transition funds and office space immediately after

		Gore's concession. (fas.org)
		December 14, 2000: GSA Deputy Administrator Thurman Davis hands over the key to the transition office at 1800 G Street, NW to Vice President-elect Cheney.
December 14, 2020 (first Monday after the 2nd Wednesday in December): Electors meet and vote in their respective states. They vote for Vice President and President on separate ballots.	December 14, 2020 (first Monday after the 2nd Wednesday in December): Electors meet and vote in their respective states. They vote for Vice President and President on separate ballots.	December 18, 2000 (first Monday after the 2nd Wednesday in December): Electors meet and vote in their respective states. The Electoral College vote confirms Bush as the winner.
December 23, 2020: Electoral votes must be received by the President of the Senate and the Archivist.	December 23, 2020: Electoral votes must be received by the President of the Senate and the Archivist.	December 27, 2000: Electoral votes are received by the President of the Senate and the Archivist.
January 3, 2021: 117th Congress sworn in.	January 3, 2021: 117th Congress sworn in.	January 3, 2001: 107th Congress sworn in.
January 6, 2021: Electoral votes are counted by Congress. The President of the Senate then declares which persons, if any, have been elected President and Vice President of the United States. If any objections are made, they must be submitted in writing and be signed by at least one member of the House and one Senator. If objections are presented, the House and Senate withdraw to their respective chambers to consider the merits of the objection(s) under procedures set out in Federal	January 6, 2021: Electoral votes are counted by Congress. The President of the Senate then declares which persons, if any, have been elected President and Vice President of the United States. If any objections are made, they must be submitted in writing and be signed by at least one member of the House and one Senator. If objections are presented, the House and Senate withdraw to their respective chambers to consider the merits of the objection(s) under procedures set out in Federal law.	January 6, 2001: Joint Session meets to certify electoral vote. VP Gore presides over the Joint Session in his capacity as President of the Senate. 20 members of the House file objections to Florida electoral votes. No Senators co-sponsor the objection, choosing to defer to the Supreme Court ruling. VP Gore rules the House objections out of order. Joint Session certifies electoral votes of all 50 states and the District of Columbia.

<p>law.</p> <p>If no Presidential candidate wins at least 270 electoral votes (a majority of the 538 available votes), under the 12th Amendment to the Constitution the House of Representatives decides the Presidential election. If necessary, the House would elect the President by majority vote, choosing from among the three candidates who received the greatest number of electoral votes. The vote would be taken by State, with each State having one vote. (The District of Columbia does not vote because it doesn't have voting members in the House of Representatives.)</p> <p>If no Vice Presidential candidate wins at least 270 electoral votes (a majority or the 538 available votes), under the 12th Amendment the Senate elects the Vice President. If necessary, the Senate would elect the Vice President by majority vote, choosing between the two candidates who received the greatest number of electoral votes. Each Senator would have one vote. (archives.gov)</p>	<p>If no Presidential candidate wins at least 270 electoral votes (a majority of the 538 available votes), under the 12th Amendment to the Constitution the House of Representatives decides the Presidential election. If necessary, the House would elect the President by majority vote, choosing from among the three candidates who received the greatest number of electoral votes. The vote would be taken by State, with each State having one vote. (The District of Columbia does not vote because it doesn't have voting members in the House of Representatives.)</p> <p>If no Vice Presidential candidate wins at least 270 electoral votes (a majority or the 538 available votes), under the 12th Amendment the Senate elects the Vice President. If necessary, the Senate would elect the Vice President by majority vote, choosing between the two candidates who received the greatest number of electoral votes. Each Senator would have one vote. (archives.gov)</p>	
<p>January 20, 2021:</p> <p>Inauguration Day</p>	<p>January 20, 2021:</p> <p>Inauguration Day</p>	<p>January 20, 2001:</p> <p>Inauguration day for President Bush.</p>

Key Documents/Events from the 2016 Presidential Election

- **July 29, 2016:**
 - MOU signed offering transition space and pre-elect services to candidate Donald Trump.
- **August 2, 2016:**
 - GSA transition space and pre-elect services offered to the Clinton and Trump transition teams.¹
- **August 5, 2016:**
 - MOU signed offering transition space and pre-elect services to candidate Hillary Clinton.
- **Election Day - November 8, 2016**
- **November 9, 2016:**
 - Hillary Clinton concedes to Republican Presidential Candidate Donald Trump.²
 - GSA Administrator Denise Turner Roth issues letters ascertaining that Candidate Trump is the apparent winner of the election.³
 - Transition space, funding, and services made available to President-elect Donald Trump and Vice President-elect Michael Pence.
- **December 19, 2016 (first Monday after the 2nd Wednesday in December):**
 - Electors meet and vote in their respective states.
 - For the first time since 1808 multiple faithless electors voted against their pledged qualified presidential candidate.
 - First election with faithless electors from more than one political party. There were five Democratic faithless electors and 2 Republican faithless electors. (States involved include Washington, Colorado, Minnesota, Texas, Maine, Georgia, and Hawaii.)
 - Final tally of 304 votes for Trump and 227 for Clinton.
- **January 6, 2017:**
 - Joint session counted and certified the electoral votes of the 2016 presidential election.
 - Representatives objected to tally in the following states: Alabama, Florida, Michigan, Texas, Mississippi, North Carolina, and South Carolina. Vice President Joe Biden overruled the objections as no Representative had the co-sponsor of a Senator.

¹ August 2, 2016, was three business days following the second major party convention, which in 2016 was the Democratic Party Convention held July 25-28. Since the MOU was not signed by candidate Clinton at this time, space and service was available to her team upon signing of the MOU on August 5, 2016.

² Hillary Clinton conceded to Republican Presidential Candidate Donald Trump through a phone call around 2:30am ET on November 9, 2016. She gave her public concession speech at 11:50am ET on November 9, 2016.

³ The GSA Administrator issued the ascertainment letters around 7:00am ET on November 9, 2016.

Appendix

Relevant language in the PTA of 1963, as amended:

Section 3: Services and facilities authorized to be provided to presidents-elect and vice-presidents-elect

(a) The Administrator of General Services, referred to hereafter in this Act as 'the Administrator,' is authorized to provide, upon request, to each President-elect, each Vice-President-elect, and, for up to 60 days after the date of the inauguration of the President-elect and Vice-President-elect, each President and Vice President, for use in connection with the preparations for the assumption of official duties as President or Vice President necessary services and facilities.

(b) The Administrator shall expend funds for the provision of services and facilities under this section--

(1) in connection with any obligation incurred by the President-elect or Vice-President-elect, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President incurred by the President or Vice President, during the period-

(A) beginning on the day after the date of the general elections held to determine the electors of the President and Vice President under section 1 or 2 of title 3, United States Code; and

(B) ending on the date that is 60 days after the date of such inauguration; and

(2) without regard to whether the President-elect, Vice-President-elect, President, or Vice President submits to the Administrator a request for payment regarding services or facilities before the end of such period.

(c) The terms 'President-elect' and 'Vice-President-elect' as used in this Act shall mean such persons as are the apparent successful candidates for the office of President and Vice President, respectively, as ascertained by the Administrator following the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

(D) An eligible candidate shall have a right to the services and facilities described in this paragraph until the date on which the Administrator is able to determine the apparent successful candidates for the office of President and Vice President.

Subject: Ascertainment Information
Date: Fri, 30 Oct 2020 11:26:29 -0400
From: Mary Gibert - AK <mary.gibert@gsa.gov>
To: (b) (6) @ourpublicservice.org
Cc: Mary Gibert - AK <mary.gibert@gsa.gov>
Message-ID: <CAOH3n2voiwezRDb+=-CCbVWgP9EhgbmUQesCa5Uj2EXwngSitZg@mail.gmail.com>
MD5: 6f498dff2542e815fafe9d000d4b5899
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		<p>for determining the ‘apparent successful candidates,’ the GSA administrator based his decision on the 1963 legislative history, which stated that, ‘in a close contest, the Administrator simply would not make the decision’.”</p> <p>Administrator David Barram is noted in the GCN article as previously stating in October 2000 that he would sign over the funds “when the election results are clear and the apparent losing candidate concedes.”</p> <p>Gore files a complaint in Leon County Court (Florida) to contest election.</p>
		<p>November 29, 2000:</p> <p>Gore asks for immediate recount of 14,000 disputed ballots.</p>
		<p>November 30, 2000:</p> <p>Florida legislature votes to recommend a special session that could select its own presidential electors.</p> <p>Democrats challenge the right of the Florida legislature to choose their own presidential electors in the U.S. Supreme Court.</p>
		<p>December 1, 2000:</p> <p>District court in Texas holds that Dick Cheney is an inhabitant of Wyoming and rejects voters’ challenge that Texas electors can not vote for both Bush and Cheney due to alleged Texas</p>

		residency.
		December 4, 2000: GSA Administrator David Barram testifies before the House Government Reform Subcommittee on Government Management, Information, and Technology. (C-SPAN)
		December 8, 2000: Florida Supreme Court overturns lower court decision to reject Gore's request for a recount of the undervote. They order recount to begin immediately. (Gore v. Harris)
		December 9, 2000: The U.S. Supreme Court stays the Florida recount.
December 8, 2020: States are required to make final decisions in any controversies over the appointment of their electors. This is so their electoral votes will be presumed valid when presented to Congress. Decisions by states' courts are conclusive, if decided under laws enacted before Election Day.	December 8, 2020: States are required to make final decisions in any controversies over the appointment of their electors. This is so their electoral votes will be presumed valid when presented to Congress. Decisions by states' courts are conclusive, if decided under laws enacted before Election Day.	December 12, 2000: States are required to make final decisions in any controversies over the appointment of their electors. U.S. Supreme Court reverses Florida Supreme Court ruling in Gore v. Harris and the recounts end.
		December 13, 2000: Gore concedes, declined to pursue further litigation. GSA Administrator authorizes President-Elect Bush's use of federal transition funds and office space immediately after

		Gore's concession. (fas.org)
		December 14, 2000: GSA Deputy Administrator Thurman Davis hands over the key to the transition office at 1800 G Street, NW to Vice President-elect Cheney.
December 14, 2020 (first Monday after the 2nd Wednesday in December): Electors meet and vote in their respective states. They vote for Vice President and President on separate ballots.	December 14, 2020 (first Monday after the 2nd Wednesday in December): Electors meet and vote in their respective states. They vote for Vice President and President on separate ballots.	December 18, 2000 (first Monday after the 2nd Wednesday in December): Electors meet and vote in their respective states. The Electoral College vote confirms Bush as the winner.
December 23, 2020: Electoral votes must be received by the President of the Senate and the Archivist.	December 23, 2020: Electoral votes must be received by the President of the Senate and the Archivist.	December 27, 2000: Electoral votes are received by the President of the Senate and the Archivist.
January 3, 2021: 117th Congress sworn in.	January 3, 2021: 117th Congress sworn in.	January 3, 2001: 107th Congress sworn in.
January 6, 2021: Electoral votes are counted by Congress. The President of the Senate then declares which persons, if any, have been elected President and Vice President of the United States. If any objections are made, they must be submitted in writing and be signed by at least one member of the House and one Senator. If objections are presented, the House and Senate withdraw to their respective chambers to consider the merits of the objection(s) under procedures set out in Federal	January 6, 2021: Electoral votes are counted by Congress. The President of the Senate then declares which persons, if any, have been elected President and Vice President of the United States. If any objections are made, they must be submitted in writing and be signed by at least one member of the House and one Senator. If objections are presented, the House and Senate withdraw to their respective chambers to consider the merits of the objection(s) under procedures set out in Federal law.	January 6, 2001: Joint Session meets to certify electoral vote. VP Gore presides over the Joint Session in his capacity as President of the Senate. 20 members of the House file objections to Florida electoral votes. No Senators co-sponsor the objection, choosing to defer to the Supreme Court ruling. VP Gore rules the House objections out of order. Joint Session certifies electoral votes of all 50 states and the District of Columbia.

<p>law.</p> <p>If no Presidential candidate wins at least 270 electoral votes (a majority of the 538 available votes), under the 12th Amendment to the Constitution the House of Representatives decides the Presidential election. If necessary, the House would elect the President by majority vote, choosing from among the three candidates who received the greatest number of electoral votes. The vote would be taken by State, with each State having one vote. (The District of Columbia does not vote because it doesn't have voting members in the House of Representatives.)</p> <p>If no Vice Presidential candidate wins at least 270 electoral votes (a majority or the 538 available votes), under the 12th Amendment the Senate elects the Vice President. If necessary, the Senate would elect the Vice President by majority vote, choosing between the two candidates who received the greatest number of electoral votes. Each Senator would have one vote. (archives.gov)</p>	<p>If no Presidential candidate wins at least 270 electoral votes (a majority of the 538 available votes), under the 12th Amendment to the Constitution the House of Representatives decides the Presidential election. If necessary, the House would elect the President by majority vote, choosing from among the three candidates who received the greatest number of electoral votes. The vote would be taken by State, with each State having one vote. (The District of Columbia does not vote because it doesn't have voting members in the House of Representatives.)</p> <p>If no Vice Presidential candidate wins at least 270 electoral votes (a majority or the 538 available votes), under the 12th Amendment the Senate elects the Vice President. If necessary, the Senate would elect the Vice President by majority vote, choosing between the two candidates who received the greatest number of electoral votes. Each Senator would have one vote. (archives.gov)</p>	
<p>January 20, 2021:</p> <p>Inauguration Day</p>	<p>January 20, 2021:</p> <p>Inauguration Day</p>	<p>January 20, 2001:</p> <p>Inauguration day for President Bush.</p>

Key Documents/Events from the 2016 Presidential Election

- **July 29, 2016:**
 - MOU signed offering transition space and pre-elect services to candidate Donald Trump.
- **August 2, 2016:**
 - GSA transition space and pre-elect services offered to the Clinton and Trump transition teams.¹
- **August 5, 2016:**
 - MOU signed offering transition space and pre-elect services to candidate Hillary Clinton.
- **Election Day - November 8, 2016**
- **November 9, 2016:**
 - Hillary Clinton concedes to Republican Presidential Candidate Donald Trump.²
 - GSA Administrator Denise Turner Roth issues letters ascertaining that Candidate Trump is the apparent winner of the election.³
 - Transition space, funding, and services made available to President-elect Donald Trump and Vice President-elect Michael Pence.
- **December 19, 2016 (first Monday after the 2nd Wednesday in December):**
 - Electors meet and vote in their respective states.
 - For the first time since 1808 multiple faithless electors voted against their pledged qualified presidential candidate.
 - First election with faithless electors from more than one political party. There were five Democratic faithless electors and 2 Republican faithless electors. (States involved include Washington, Colorado, Minnesota, Texas, Maine, Georgia, and Hawaii.)
 - Final tally of 304 votes for Trump and 227 for Clinton.
- **January 6, 2017:**
 - Joint session counted and certified the electoral votes of the 2016 presidential election.
 - Representatives objected to tally in the following states: Alabama, Florida, Michigan, Texas, Mississippi, North Carolina, and South Carolina. Vice President Joe Biden overruled the objections as no Representative had the co-sponsor of a Senator.

¹ August 2, 2016, was three business days following the second major party convention, which in 2016 was the Democratic Party Convention held July 25-28. Since the MOU was not signed by candidate Clinton at this time, space and service was available to her team upon signing of the MOU on August 5, 2016.

² Hillary Clinton conceded to Republican Presidential Candidate Donald Trump through a phone call around 2:30am ET on November 9, 2016. She gave her public concession speech at 11:50am ET on November 9, 2016.

³ The GSA Administrator issued the ascertainment letters around 7:00am ET on November 9, 2016.

Appendix

Relevant language in the PTA of 1963, as amended:

Section 3: Services and facilities authorized to be provided to presidents-elect and vice-presidents-elect

(a) The Administrator of General Services, referred to hereafter in this Act as 'the Administrator,' is authorized to provide, upon request, to each President-elect, each Vice-President-elect, and, for up to 60 days after the date of the inauguration of the President-elect and Vice-President-elect, each President and Vice President, for use in connection with the preparations for the assumption of official duties as President or Vice President necessary services and facilities.

(b) The Administrator shall expend funds for the provision of services and facilities under this section--

(1) in connection with any obligation incurred by the President-elect or Vice-President-elect, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President incurred by the President or Vice President, during the period-

(A) beginning on the day after the date of the general elections held to determine the electors of the President and Vice President under section 1 or 2 of title 3, United States Code; and

(B) ending on the date that is 60 days after the date of such inauguration; and

(2) without regard to whether the President-elect, Vice-President-elect, President, or Vice President submits to the Administrator a request for payment regarding services or facilities before the end of such period.

(c) The terms 'President-elect' and 'Vice-President-elect' as used in this Act shall mean such persons as are the apparent successful candidates for the office of President and Vice President, respectively, as ascertained by the Administrator following the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

(D) An eligible candidate shall have a right to the services and facilities described in this paragraph until the date on which the Administrator is able to determine the apparent successful candidates for the office of President and Vice President.